

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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STEVE SMITH,

Plaintiff,

v.

Case No: 12-14009

ADRAY, Registered Nurse and  
JOHN DOES 1-5,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter case was referred to United States Magistrate Judge Charles Binder pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his March 27, 2013 report, the magistrate judge recommends that this court grant Defendant Adray's motion for summary judgment and dismiss the remaining John Doe Defendants. No objections have been filed pursuant to 28 U.S.C. 636(b)(1)(C), thus further appeal rights are waived.<sup>1</sup>

Having reviewed the file and the report, the court concludes that the findings and conclusions of the Magistrate Judge are correct and ADOPTS the same for purposes of this Order.

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<sup>1</sup> The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

**ORDER**

IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's Report and Recommendation, Defendant Adray's motion for summary judgment [Dkt. # 11] is GRANTED, and the Doe Defendants 1-5 are *sua sponte* DISMISSED.

A separate judgment will issue closing this case.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: May 28, 2013

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 28, 2013, by electronic and/or ordinary mail.

s/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522